

DOCKET NO: 294227US0X PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HARALD GROEGER, ET AL. : ATTN: MAIL STOP PCT
SERIAL NO: 10/593,567 :
FILED: SEPTEMBER 20, 2006 :
FOR: PROCESS FOR PREPARING :
OPTICALLY ACTIVE AMINO ACIDS USING :
A WHOLE-CELL CATALYST :

RENEWED PETITION UNDER 37 C.F.R. §1.47(a)

COMMISSIONER FOR PATENTS
OFFICE OF PCT LEGAL ADMINISTRATION
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

The undersigned Petitioners hereby renew their request that the previously submitted executed oath/declaration under 37 C.F.R. §1.63 be accepted in lieu of the fact that Prof. Werner Hummel, who is a named inventor on the above-identified application, refuses to sign the oath/declaration after numerous diligent and *bona fide* attempts have been made to obtain the signature thereof. Evidence substantiating these unsuccessful attempts, which have in fact been made to obtain a properly executed oath/declaration from Prof. Werner Hummel, are summarized in detail in the following "Statement of Facts," as attested to and executed by Ms. Sandra Wissel.

STATEMENT OF FACTS

The last known address of Prof. Werner Hummel is Claudiusstrasse 11, 52445 Titz, Germany.

On three separate occasions, Ms. Sandra Wissel mailed a copy of the complete set of application papers, including the specification, drawings and claims of International Patent Application PCT/EP05/002933, as well as the previously submitted oath/declaration, to Prof. Werner Hummel's last known address, along with the previously submitted accompanying letters dated August 22, 2006, October 2, 2006, and December 8, 2006. Successful delivery of the mailings of

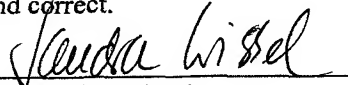
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Renewed Petition under 37 C.F.R. §1.47(a)

October 2, 2006, and December 8, 2006, are substantiated by the previously submitted evidentiary mail return receipts with corresponding signature confirmation confirming receipt and acceptance of the complete set of application papers by Prof. Werner Hummel.

Please note that the above-identified application is a 35 U.S.C. § 371 National Stage patent application of International patent application PCT/EP05/002933, filed on March 18, 2005. Therefore, the above-identified application (including the specification, drawings and claims) is the equivalent of International patent application PCT/EP05/002933. Moreover, the above-identified application filed on September 20, 2006 is an actual copy of International patent application PCT/EP05/002933. As a result, a complete set of application papers, including the specification, drawings, and claims, as filed in the U.S., as well as the oath/declaration, were in fact mailed to the last known address of Prof. Hummel on three separate occasions.

Although I have made numerous diligent and *bona fide* attempts to obtain a properly executed oath/declaration from Prof. Werner Hummel, as of the date that this Statement of Facts was executed, a duly executed oath/declaration has not been received from Prof. Werner Hummel.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.


Ms. Sandra Wissel

18 Oct. 2007
Date

The refusal of Prof. Werner Hummel to duly execute the oath/declaration is evidenced by the forgoing diligent and *bona fide* attempts made by Ms. Sandra Wissel to obtain the signature thereof. It is readily apparent that Prof. Werner Hummel refuses to duly execute the oath/declaration, as substantiated by the previously submitted evidentiary mail return receipts with corresponding delivery/signature confirmation, which confirm receipt and acceptance of the complete set of application papers by Prof. Werner Hummel.

In accordance with 37 C.F.R. §1.47(a), a complete set of application papers, including the specification, drawings, and claims, as filed in the U.S., as well as the oath/declaration, were in fact mailed to the last known address of Prof. Hummel on three separate occasions.

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In accordance with 37 C.F.R. §1.47(a), the following items accompanied the Petition submitted to the USPTO on August 21, 2007: the fee set forth in 37 C.F.R. §1.17(g); documentary evidence substantiating the foregoing diligent and *bona fide* attempts made by Ms. Sandra Wissel to obtain a properly executed oath/declaration from Prof. Werner Hummel; and the oath/declaration under 37 C.F.R. §1.63, as executed by the named inventors on the above-identified application, except for Prof. Werner Hummel, who refuses to sign.

Consequently, it is respectfully requested that this petition be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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